(LVIIIth YEAR.) THE (No. 2941.)

MARYLAND GAZETTE.

THURSDAY, MAY 26, 1803.

A CIVIL OFFICER OF MARYLAND.—CONCLUDED.

THIS *candid* writer "believes, that the Civil Officer can shew no public act prior to the constitution, which politively directs the governor to preside in council." To have rendered his negative creed more complete, he might have added, that no public act could be produced authorising the assembly to pass laws, or enacting the common law,—the indefeasible birth-right of every British freeman that emigrated to Maryland. But in all these separate articles of belief he would be equally mistaken: the most ample and satisfactory public acts still remain on record, enacting and declaring all and each of these organic provisions; and as he appears so unfortunately defective in legal intermation, we shall endeavour to suggest to him those sources, whence he may derive some knowledge of the constitution and laws of Maryland prior to the revolution, forming, as they shall do, the basis of those under which we now live.

Whether the feudal system was introduced into England by the Norman conqueror, or was only extended over allodial property, the unextinguished remains of British or Roman titles, as seems to be the more correct opinion, (for there is no solid ground to believe that the Saxons differed in their fundamental institutions from their German brethren, or those other hordes of northern barbarians that subjugated civilized Europe on the decline of the Roman empire,) it is at least certain that these institutions were completely established long before the expiration of that period, which legal history exclusively assigns, to the reign of what we now term the common law.

The basis of this constitution in England, and in every soil and climate where the feudal tree has pushed its roots or spread its branches, was the power of the sovereign, or feudal chief, to grant lands to vassals, annexing to the grant at his discretion, any portion of the *jura regalia* or heritable rights of feudal sovereignty; the political rights of all other tenants of those lands remaining the same, for the rights of the grantor and grantee could not be increased to the prejudice of others by this division; together they could only be equal to what the grantor originally held.

These grants indiscriminately made of British or foreign lands through every period of English history, were termed County Palatines, when erected within the limits of England, but were conferred under the various descriptions of kingdoms, dominions, lordships, seignories and proprietorships, when of foreign lands. Of these Chester and Durham were counties palatine in the time of the conqueror; Henry 2d granted Ireland, with complete *jura regalia* to his son John; Edward 3d erected Lancaster in England into a county palatine in favour of his kinsman Henry Plantagenet, and granted Guienne and Poitou in France to his son the Black Prince, with similar sovereign authority; Henry 4th granted Man as a kingdom to the earls of Northumberland, and subsequent to their attainder, Henry 7th granted it to the Stanleys, afterwards earls of Derby; the discovery and settlement of America which followed, opened a wide field for the prodigal favours of the house of Stuart, and among their grants of this nature was that of the proprietorship of Maryland by Charles 1st to the family of Calvert, barons of Baltimore, by charter, bearing date in 1632. By the seventh article of this instrument, the lords Baltimore, &c. are authorised to *enact laws* with the advice, assent and approbation of the freemen, or their deputies, and to *execute the same* by their deputies, lieutenants, &c &c as near as may be according to the laws and customs of England.

Two lords Baltimore of the name of Charles, exercised these powers personally within the province from 1676 to 1682, and again in 1733; but at all other times, whilst Maryland remained under their dominion, or was subject to the immediate jurisdiction of the crown, they were exercised by representation—by a deputy or lieutenant, commonly styled governor, from our earliest records, and by a council appointed by the proprietor or his deputy. The powers of the proprietor, when acting in person, were limitted by the charter and the common law of England; and the powers of his representative, the governor, by the same; and further, by such commission and instructions, *not inconsistent therewith*, as were given by the proprietor or the king, which were entered of record, and ever were recognized and acted under as part of the fundamental laws of the land.

In exercising the legislative power by the advice and consent of the freemen or their deputies, the proprietor, or his representative, deliberated first conjointly with the assembly, and then acted solely and separately, passing or rejecting their joint acts; which is in exact conformity with the principles of the common law of England, where the king always presides in parliament, and sits in the house of lords, either personally or by representation, but still remains and acts as a sole branch of the legislature.

It appears by the original records of the first assembly of the freemen in 1637, that they appeared personally, or by proxy, and sat, together with the governor, in one house: By an act of this assembly the governor is declared president of the assembly, and voted and acted as such, but preserving and exercising his sole and integral power of finally rejecting or assenting to the laws which were all proposed by him. In 1638, the freemen were allowed, by act of assembly, to appear by representation or deputies, electing burgesses for each hundred; the governor being still declared by law the president of the assembly, voted and acted as such, and separately rejected or assented to the bills when passed by the assembly. This assembly passed an act declaratory of the rights of freemen, and formed certain constitutional or organic laws, regulating the different departments of government, by which the governor, council, and those summoned by the governor, together with the burgesses, were declared to possess the same powers as the house of commons of England, and all laws passed by them, and assented to by the proprietor, or his representative, were declared to be binding on all people of the province. This constitution continued until 1650, when the governor and council were by law separated as an upper house, and the two houses thenceforth sat in different apartments. The governor always reclaimed by joint act as president of the council or upper house, and voted with them as such, still however retaining his sole and separate power of rejecting or assenting to the acts of both; and the lower house nominated a speaker, who was to be approved by the governor, whose representative he was in that house: This constitutional law placed the government precisely on the basis of the common law of England.

The council or upper house derived their authority solely from the appointment of the proprietor as feudal seignior or lord, as the peers of England, the upper house of parliament, do from the creation of the king; but their authority was never rendered hereditary, they were removable at pleasure, and records of such removals are still existing: When appointed, and whilst their commissions remained in force, their constitutional form and relation to the governor, when acting together, were established by acts of assembly from 1650, as renewed, continued or altered, and by the commissions to the then governor and council from the proprietor, conformably to the charter and common law, which were renewed and continued by general reference, and special alterations, not materially affecting their constitutional form. By all these, as so occasionally renewed, continued or altered, it will appear that the governor might call, or prorogue or dissolve an assembly at his pleasure, consisting of his council and the house of burgesses or delegates of the freemen; that the governor presided in the assembly, sitting as president in the upper house or council, and by representation in the lower house; that he gave a casting vote as president of the council, and although in this special case he acted jointly, and might by that vote determine the act of the council, yet by the act of assembly expressly; by the terms of his commission; by the common law and uniform practice and usage, it was no law until it received his sole and separate assent as governor. This form and relation of the council to the governor, which had thus existed from the year 1650 to the 1st June, 1774, is precisely that which was rendered part of the constitution by sect. 34, although they are now confined to execute business. In legislative business it is the English common law, that the king may, and always must sit as president of the upper house of parliament, either personally or by his representative or proxy; and that he may give a casting vote and decide an act of the upper house; but he still remains a sole branch of the legislature to pass or reject any BILL so passed.

It will be found by examining our records, that the proprietor himself, when in the province, or the governor, or his deputy, did preside personally in the council whilst acting as an upper house, until the revolution; when the *jura regalia* of the province were seized by the crown; from that time the governors, as representatives of the king, and of the proprietor after the restoration of the Calvert family in 1715, seldom sat personally in the upper house, except at the opening of the session: They continued the custom and usage adopted whilst royal governors, (and latterly they were commissioned as such,) founded on the practice in England, of acting in the upper house generally by deputy, who was styled President of the Council, and confined their personal interference in passing laws, to the exercise of their separate authority, as a third branch, by assenting to or rejecting the acts of the other two.

In this constitutional form and relation subsisting between the governor and his council, we find the principle established from the earliest settlement of Maryland, that the governor, acting by and with the advice and assent of council, and voting when they were divided, still retained his separate and integral right of concurring as governor before the act was valid. The convention, therefore, using the same formulary, and establishing the same form and relation, could not possibly have suspected that an interpretation could be given to their act contrary to the uniform practice of themselves and their forefathers—an interpretation that would render their governor a mere cypher, and their constitution a mass of contradictions from one end to the other.

It may be said that this constitution or relation only subsisted between the governor and council when acting in a legislative capacity, but it is certain that the convention having established the same form of procedure, and the same formulary precisely of power on executive business, the legal effect and relation must be the same, as far as their powers extend or concur. But if we examine the laws and practice prior to the constitution as to executive business, they will still more strongly establish the construction of the Civil Officer.

By the Charter of Maryland and the common law and the constitution of England, according to which it was to be executed, the proprietor, or the governor as his representative, was the *sole executive*: In executing the laws he was not required to obtain either the advice or consent of the freemen, or any others—He might ask it, and if he did ask it, the common law of England, and the commissions of the proprietors to their governors and counsellors, provided and designated constitutional advisers, who were responsible for any advice they might give; but that advice never was necessary to the complete validity of an executive act; its object and effect was only to create and fix a responsibility on the advisers. The council as the upper house of the legislature, were by the common law, as well as by their commissions, the advisers of the executive; the upper house of parliament are, and have been time immemorial, the advisers of the supreme executive of England, who may assemble them at any time for that purpose, whether parliament are sitting or not. The council of Maryland were expressly bound by their commissions to advise the governor, when, where and upon whatever occasion he might ask it.—When convened by him he acted as president according to the act of assembly, but it does not appear by the journals that he ever voted, for being the sole executive, it will appear at every period of the journals of the executive prior to the constitution, that he considered himself as constitutionally empowered to act as he pleased, both before and after their advice, as he chose or might not choose to take the responsibility on himself, and his act in either case was held and considered as equally valid: This will appear by the journals of the 12th June, and 14th, 15th and 16th November, 1769, and by frequent and uniform preceding entries up to the earliest periods; and it will be found that governor Sharpe, after requiring the advice of each member of the council, and having it entered on the journal May 3, 1750, in the manner now made part of the constitution by sect. 26, still acted contrary to the opinion of the majority as will appear by the law itself, as he passed it.

But the convention having established the constitutional form and formulary, (on certain specified executive business,) which subsisted between the governor and council, when acting in their legislative capacity, and having required that the governor shall not only ask the advice of council, but obtain their consent, before he does certain acts, which acts are declared to be concurrent acts of governor and council, their consent is undoubtedly necessary to the validity of an executive act in those cases—but in those cases only; and it is doubtful if he should require advice in any other cases, whether they are bound to give it, or are any wise responsible for it: *consent* they certainly cannot give, the governor being the sole executive in all those other cases, as well as the sole ministerial agent contemplated by the constitution in every case.

That this was the interpretation given to the constitution immediately after its formation, and for several succeeding years, can be yet established by the records, and by the contemporary testimony of the most eminent fathers of the revolution now living. At the head of these still remains Mr. Thomas Johnson, the first governor after its adoption: on mentioning his name, an expression of indignation may surely be indulged at the insinuation of the Friend to Candour, that "as he exercised authority confessedly unconstitutional, his proceedings could never be evidence of correct construction on questionable or controverted points;" by whom has this been confessed? Will he say by the Civil Officer? If so, when and where did he confess it? Is it possible that this production of Candour is only the misbegotten offspring of a defective intellect? Or is it intended thus to confound the Civil Officer with those Curs who bark at the SETTING SUN? He has said, that it appeared from record *that great part of the executive business was transacted by him, (governor Johnson,) when not a single councillor was present.* Does not the constitution render the governor the sole executive, except where the concurrence of council is required by law? To shew then that Mr. Johnson acted unconstitutionally, it must first be proved that he acted without the advice and consent of council, when required by law. Has any such instance been adduced? And if such had been so entered, still the council might have confirmed the act of the governor at a subsequent session. This is not without precedent here; and in a neighbouring state the council acting under a similar formulary, have sometimes advised and consented that the governor might act as he should find it necessary, on a particular emergency; and the constitutionality of that advice was never questioned. However, there is no such pretence that this venerable patriot ever acted unconstitutionally. The journals of his proceedings as sole executive, will be found strictly conformable to the constitution, and precisely corresponding with the only precedents then existing of official conduct under similar powers, although he had no access to them as has been observed. During the present controversy, the Civil Officer has been indirectly informed, that this aged statesman has declared, that during the whole term of his service as governor, he recollects no attempt by any member of the council to propose or to nominate, but in one instance by a single member, that he repelled it with a becoming indignation, and that some warmth ensued, but that the next day the member made his apology, and acknowledged his error. This account perfectly coincides with that which the Civil Officer received personally from the first clerk of the governor and council after the adoption of the constitution.

It seems to be admitted that no positive adverse precedent can be adduced from the records of the first administration of Mr. Lee; and although the Friend to Candour has quoted with a *benevolent* irony the expression of *a strict investigation* by the Civil Officer, *candidly* suppressing the limitation he had annexed by the preceding words "*for several years*," yet his own indefatigable industry has discovered no precedent that he supposes will warrant his construction, for near seven years after the adoption of the constitution; and it happens unfortunately that not one of the six instances he has adduced during the administration of Mr. Paca, can possibly justify his conclusion; four of them are entries of the issuing commissions; and it will not be seriously contended, that they furnish evidence of correct construction of the constitution, as the council certainly cannot commission: one civil officer was appointed, but it appears clearly that the governor never commissioned him; and also a commissioner for the sale of confiscated property, but he was no civil officer, nor does the authority appear under which he was appointed.

With these instances he has closed his remarks on the administration of Mr. Paca, and he appears to lump the following governors under the article of BLANK COMMISSIONS. And so it seems the Friend to Candour has been rummaging the old trunk, instead of the records in the council room. Certainly his remarks on these blank commissions are designedly ludicrous, for in the light he considers them, he never could offer them as evidence of correct construction of the constitution. The governors who succeeded Mr. Paca were gentlemen of great merit and worth, and of independent fortunes; but as none of them, (it is believed,) were bred to business but one, they would probably have found it easier to sign blank commissions than to contend on constitutional points with the council, generally consisting of able lawyers, bred to, and practised in a profession, that can only be supported by the "indiscriminate defence of right and wrong;" it is probable that capacity for business naturally drew it into their hands, and that mutual confidence produced a custom and mode of procedure without investigation on either side; that one precedent served for another, and continued precedents, we know, soon become LAW, *with lawyers*. In every view it is most certain, that a commission signed by the governor, whenever, or by whomever filled, is evidence of his constitutional concurrence in the appointment; he could not deny it—In the same manner an act of the council concurring in an appointment would be conclusive evidence of their advice and consent, in whatever manner given; *they could not deny it*; and it would justify the act of the governor; but still it is believed by the Civil Officer that these blank commissions have been signed, rather from a confidence in the clerk than in the council, as he knows that the present governor has frequently signed them in the following manner: A number of

appointments, possibly an hundred or more, may be agreed to in one morning, as the civil officers, with a few exceptions, must be re-appointed every year: A clerk cannot possibly fill up the commissions as the appointments are made; he presents therefore a number of blanks to the governor, who signs them, and then he fills them at his leisure from his entries; some of these may not be wanting, and of course will be thrown aside generally into an old trunk, with the blank commissions, waste papers, &c. Out of these, possibly, at a future day, the signature of the present governor may be drawn, and with as much propriety, produced as evidence of *his* correct construction of the constitution: But it is hoped that no future Friend to Candour will arise, for *our Friend*, we suspect, is something like Blackmore's elephant—" none but himself can be his parallel."

With respect to the assertion of the Civil Officer relative to Mr. Henry, it was founded on the information of two gentlemen, whose names will not be here inserted, but will be communicated to the printer, that if this writer wishes information he may ask it personally; but it will be remarked, that the rank they hold in the public esteem can never be injured by a board of friends to candour: it may also be added, that the distinguished individual whom this writer has introduced, four and twenty years ago acted upon oath under the same formulary; giving it precisely the same construction that the governor of Maryland now does.

The name of Mr. Duvall has been also used; this gentleman, instead of being nineteen years a counsellor, as was published by an anonymous writer, was a counsellor one year, and being elected another year, resigned, assigning as a reason the unconstitutionality of a law of the preceding session, which certainly has no possible connexion with the present question: the deliberate opinion of that gentleman, on this or any other legal subject, will, when known, be respected beyond the limits of Maryland; and by none more than the Civil Officer.

Every information has been sought from those who have acted in the executive, and whose evidence must command respect; many of them relate, that a practice existed, and was continued without inquiry, which seemed to have resulted from mutual accommodation: the governor commissioned those in whom a majority of the council concurred; but it is certain that the present chief judge, *to whose worth all parties subscribe*, and who was six years a counsellor, has, on being asked, said, that during all the time he served, if the members of the council assembled, and the governor was not present, but at the seat of government, they never proceeded to business without him. General Stone, who was six years a counsellor, and three years a governor, on being asked declared, he could recollect nothing like the conduct of the present council; and every member of any former council with whom the Civil Officer has conversed, has related to him instances of their convening at the government house, when the governor from any cause could not conveniently attend at the stadt-house.

But according to the Friend to Candour, if the governor is notified and will not attend, it is his own fault. Will the Friend to Candour deny that the council have met when the governor was in town—transacted business, and made appointments, without notifying him at all? It is certain, that if according to their construction of the constitution, they can act without the governor, and that when present, if all the council attend, or any number but four, he can do nothing; their notification and his attendance must be mere matter of civility and form; and it must be as well, or even better, to proceed without him, especially if they believe he is averse to their measures: Nothing farther is necessary but for them to shew, "that when the governor, *by and with the advice and consent of council*, is authorised and required to appoint," the council are thereby empowered to *appoint*, and to appoint without the consent or even the presence of the governor; if they can establish this, then they have acted constitutionally, and their incivility, to an individual, however felt by him, will not probably be much regarded by the public, and much less by themselves. *But this is yet to be determined.*

The Friend to Candour must have strangely misunderstood the Civil Officer respecting the resolutions; no particular allusion was made to those which originated in the senate; all the resolutions, those respecting the Susquehanna, and those explanatory of them, were contemplated by the Civil Officer, who would not consider himself as justified by any personal motive in publishing their history; but he has prepared it; and if, after this explanation, he is again invited to publish, it shall be furnished to the printer, and the Friend to Candour may have it published if he pleases, and the Civil Officer will give his name, and become responsible for the facts.

It yet remains to remark on the comments which the Friend to Candour has made on the assertion of the Civil Officer, *that there was no precedent of an adjournment of the council to meet in the evening since the governor and they had acted together.* This he has politely termed *quibbling*, a vulgar expression, heretofore considered as appropriated to the lowest pettifogging retainers of a county court bar: the Civil Officer will leave the term with those who have used it; but in reply he must take the liberty to prove, that the Friend to Candour has been guilty of a suggestion of *what is not true*, and it is feared *with malice prepense*. He has suggested, that *there had been an adjournment of the council in the morning to meet in the evening with the knowledge of the governor, before that on the Susquehanna appointment.* This is not the fact. He could not have supposed that the Civil Officer meant that there could be an adjournment on one day to meet on the evening of the next day, this would be too absurd. The Civil Officer evidently meant, that the council had never done business twice a day to his knowledge; this not only appears from the entries on the journal, but it is the real fact. These expressions were used by the Civil Officer to avoid the following disagreeable detail; "that for the governor to meet the council in the evening at the stadt-house in the winter, (when this happened;) could not be reasonably desired; at that season it is expected he should entertain frequently; this seems indeed the principal object of his appointment, as the constitution is construed by the council, although it must be chiefly done at his own expence; as the public bodies sit till late before dinner, his company seldom disperses till long after candlelight, and although he may not entertain every day, yet his hours must be nearly the same every day? from this cause there never had been an adjournment to meet in the evening to the knowledge of the governor. The instances alluded to by the Friend to Candour happened as the year advanced, the days lengthened, and the public bodies had retired; and from the following cause, as far as the governor has been concerned. A member has been sent for from the country to make a board, he would be late the next day before he arrived, and a meeting has been therefore held in an evening, but there was then no meeting in the morning." From this detail of facts the public could determine where the imputation of quibbling and fabrication would attach, *was other evidence wanting.*

With the citizens of Maryland, and their representatives, it now remains to decide, whether the construction of the council is the real constitution of the state. They will naturally reflect, that if the governor is thus rendered a cypher, and if he is to continue a mere dependent on the civility of the council, who may ask him or not to be present at their deliberations, where he must sit chiefly as an unconcerned spectator, no man of talents or worth will accept of the office on such conditions—They must know, that when the head is insignificant, the body politic can never be respectable. The people have established the office of governor as the first in their constitutional compact; the power and authority they have attached to it are their power and their authority; it rests with their sovereign will to support this office, or to let others destroy it. As to the individual who now fills it he holds it but for a moment, and that as their trustee and servant. In determining the question they will only be guided by the interest of the state, and their duty to themselves and their posterity; in comparison with these objects, the officer of the day or the year will disappear from their view; he is but as a grain of sand on the shore of the ocean: but still the devotion to public service of more than eight and twenty of the forty-three years of his life that have now passed away, without any other reward, or hope of reward, than the good opinion and good will of his fellow-citizens, may excuse an anxiety to explain the principles, and justify the motives of his conduct.

A CIVIL OFFICER OF MARYLAND.

BOSTON, May 16.

Latest from Europe.

By the arrivals on Saturday, we received Dutch papers to the 26th March, and London to the 5th April. The verbal advices by the several masters, are however, of later date, though not definitive, on the subject of either PEACE or WAR—they are from Hamburg, as late as the 1st, from Cadiz the 12th, from Bristol, (Eng.) the 14th, and from Gibraltar to the 18th April, which, although many days posterior to our other late accounts from Europe, furnish nothing more, than that the most active preparations for war were continued in all the ports of France and England, but that the public mind, unadvised of the exact state, in which the negotiation between the two rival countries, stood, was much embarrassed and perplexed. This state of doubt and uncertainty is evidenced by the subsequent statement of the fluctuation of stocks, both in France as well as England.

NEW-YORK, May 18.

Latest from England.

Captain Low, of the English ship Stranger, arrived yesterday from Hull, informs us that the 2d inst. on the Banks of Newfoundland, he spoke the British packet Lady Arabella, out 20 days from Falmouth bound for this port, to touch at Halifax, the captain of which communicated the following intelligence—That he sailed from Falmouth on the 10th of April, when the aspect of affairs was the same as stated by our last advices—Dispatches were frequently exchanged between the courts of France and England, but their contents was a profound secret, and the impressment and preparations for war continued with unabated activity. Colonel BARCLAY, the British consul-general for the middle and eastern states, was a passenger on board the packet.

PHILADELPHIA, May 19.

From Gibraltar—Late.

The schooner Falcon, capt. Kennistон, arrived at Boston last Saturday, in 37 days from Alicant, and 27 from Gibraltar. The advices by the Falcon, are to the 18th April, which state, that "the Tripolitan ship, which has been blockaded at Gibraltar for a long time, has at length made her escape, having been claimed by the emperor of Morocco; she sailed for Tripoli about the 11th inst. The Adams frigate, with a convoy of merchantmen for the Mediterranean, sailed about the 29th March. Commodore Morris had been at Gibraltar with his squadron, to procure provisions, but left there the 13th April. No Tripolitans were supposed to be out the 7th of April.

FREDERICK-TOWN, May 21.

HAIL STORM.

Last Monday, the 16th, there happened the most tremendous hail storm, accompanied with thunder and lightning, that ever was witnessed within the memory of the oldest inhabitants of this place. The weather had been unusually cold for the season during the last five or six days of the preceding week, and there were several severe frosts, that entirely destroyed the fruit; but on that day it had suddenly become very sultry and warm. The storm advanced between three and four o'clock in a N. N. E. direction and lasted about twenty minutes, during which time the hail poured down incessantly as thick as flakes of snow. It was uncommonly large and some of it measured three inches and an half in circumference. It did very considerable damage: The windows in a northernly exposure were almost broken to pieces. The rye crops have been entirely destroyed wherever it extended, the kitchen gardens have not escaped the devastation, and vegetation in general has suffered great injury. The hail fell with such violence as to leave marks on the roofs and planks wherever it struck, and clattered like a volley of pebbles upon the doors and windows.

It has not been exactly ascertained how far the hail storm extended it ravages; but there are certain accounts from the distance of eight miles in a S. and S. W. direction, where it raged with equal violence as here. Towards E. and S. E. it did not reach more than two or three miles, and towards the W. and N. W. it branched in various directions, leaving a stripe of country, in some instances not more than a mile or two in extent, untouched. We are happy to learn, that the state of the wheat crops is such, as not to have subjected them to the same fate as those of rye.

The scene was truly awful and terrific.—The elements seemed to war in dreadful conflict, threatening ruin and destruction to all the works of human art, and every heart, in affrighted dismay, throbbed aghast at this tremendous spectacle of Nature.

" At first, hear'd solemn o'er the verge of Heaven,
" The tempest growls; but as it nearer comes,
" And rolls its awful burden on the wind,
" The lightnings flash a larger curve, and more
" The noise astounds: till over head a sheet
" Of livid flame discloses wide; then shuts,
" And opens wider; shuts and opens still
" Expansive, wrapping ether in a blaze.
" Follows the loosen'd aggravated roar
" Enlarging, deepening, mingling; peal on peal
" Crush'd horrible, convulsing Heaven and earth.
" Down comes a deluge of sonorous hail,
" Or prone descending rain. Wide rent the clouds,
" Pour a whole flood; and yet, its flame unquench'd,
" Th' unconquerable lightning struggles through,
" Ragged and fierce, or in red whirling balls
" And fires the mountains with redoubled rage.
" Guilt hears appall'd with deeply troubled thought."

BALTIMORE, May 18.

The United States frigate Chesapeake has arrived in Hampton Roads from Gibraltar; sailed from thence the 6th April. Lieutenant Sterett, of the Enterprize, came passenger in her, and arrived here this morning in the Norfolk packet. She brings nothing new.

May 19.

Extract of a letter from an officer on board the United States ship Chesapeake, dated Gibraltar, March 28, 1803.

" Captain Sterett has taken a prize; she is an Imperial polacre, from Smyrna, bound to Tripoli with Tripolitan property on board—very valuable."

To the Editor of the Mercantile Advertiser.

NEW-YORK, 16th May, 1803.

SIR;

I am requested by our minister in France to communicate publicly, that he had on the 11th March received the most flattering letter in answer to one addressed by him to the first consul, on the subject of our debts, &c. in which the most full and complete assurances are given that every letter of the convention shall be punctually complied with—That the finances are in the best situation, and capable of meeting all engagements, and that even were it otherwise, and though it should subject them to partial inconveniencies, he would strictly comply with the demands of justice, and calls upon the minister to make out the accounts of American claims, for which he promises a full and ready payment. The minister adds that he gives this early intelligence, because it will probably come through other channels, as he intended to call the Americans at Paris together the next day, and communicate it to them, in which case he feared that interested persons might speculate on the wants of those who have already suffered too much by the delay. He concludes by saying, that without being absolutely certain, he thought he might confide in the promises so solemnly made, and that he would press eagerly for their execution.

EDWARD P. LIVINGSTON.

MR. DUPORT's BALL.

MR. DUPORT, professor of dancing, presents his respectful compliments to the ladies and gentlemen of Annapolis, and begs leave to inform them that his LAST BALL, for this season, will be on FRIDAY EVENING, the 27th inst. at the assembly room.

The ball will open at 7 o'clock precisely by a plain minuet and perigourdine. Tickets, price one dollar, to be had at the printing-office and at Mr. Caton's.

May 26, 1803. 1X

In CHANCERY, May 19th, 1803.

ORDERED, That the sales made by JOHN CAMPBELL, as stated in his report of the real estate of EDWARD WATTS, deceased, shall be ratified, unless cause to the contrary be shewn on or before the first day of July, provided a copy of this order be served on Charles Bennett, or John Watts and Adeline Watts; or published three times in the Maryland Gazette before the 18th day of June next.

Test. SAMUEL HARVEY HOWARD,
Reg. Cur. Can. 10 3w

In CHANCERY, May 11, 1803.

ON application to the chancellor, by petition, in writing, of RAPHAEL SAXTON, of Saint-Mary's county, praying the benefit of the act for the relief of sundry insolvent debtors, passed at the last session, and a schedule of his property, and a list of his creditors, on oath, being annexed to his petition, and the chancellor being satisfied, by competent testimony, that the said Raphael Saxton hath resided in the State of Maryland the two last years preceding the passage of the said act; it is thereupon adjudged and ordered, that by causing a copy of this order to be inserted three times in the Maryland Gazette before the tenth day of June next, he give notice to his creditors to appear before the chancellor, in the chancery-office, at ten o'clock, on the first day of July next, for the purpose of recommending a trustee for their benefit, on the said Raphael Saxton's then and there taking the oath by the said act required for delivering up his property.

True copy, 10 3w
Test. SAMUEL HARVEY HOWARD,
Reg. Cur. Can.

In CHANCERY, May 23, 1803.

ORDERED, That the sale made by PHILIP STUART and ROBERT A. BEALL, trustees for the sale of the real estate of THOMAS DENT, shall be ratified and confirmed, unless cause to the contrary be shewn on or before the fifteenth day of July next, provided a copy of this order be inserted in the Maryland Gazette three times before the 17th day of June next.

The report states, that four acres of ground on the south side of Piscataway creek, was sold for 970 dollars, a lot on the north side of said creek for 100 dollars, and 339 acres of land, in Prince-George's county, for 6120 dollars and 18 cents.

True copy,
Test. SAMUEL HARVEY HOWARD
Reg. Cur. Can.

THIS is to give notice, that the subscriber, the administrator of DELAH TAYLOR, late of Calvert county, deceased, will, on the 15th day of June next, attend at the office of the register of wills for Calvert county, in Huntington, for the purpose of making payment, or distribution, amongst the creditors of the said deceased according to law; all persons interested will take notice of this information. Given under my hand, this 14th day of May, 1803.

JAMES J. WILKINSON.

In CHANCERY, May 23, 1803.

ON application to the chancellor, by petition, in writing, of ZACHARIAH SOTHORON, of Charles county, praying the benefit of the act for the relief of sundry insolvent debtors, passed at the last session, on the terms therein mentioned, and a schedule of his property, and a list of his creditors, on oath, so far as he can ascertain the same, being annexed to his petition, and the chancellor being satisfied, by competent testimony, that the said Zachariah Sothoron hath resided in the State of Maryland the two last years preceding the passage of the said act; it is thereupon adjudged and ordered, that the said Zachariah Sothoron, by causing a copy of this order to be inserted in the Maryland Gazette three weeks successively before the twentieth day of June next, give notice to his creditors to appear in the chancery-office, at ten o'clock, on the second day of September next, for the purpose of recommending some person to be trustee for their benefit, on the said Zachariah Sothoron's then and there taking the oath prescribed for delivering up his property.

Test. SAMUEL H. HOWARD,
Reg. Cur. Can.

In CHANCERY, May 23, 1803.

ON application to the chancellor, by petition, in writing, of JOHN J. SOTHORON, of Saint-Mary's county, praying the benefit of the act for the relief of sundry insolvent debtors, and a schedule of his property, and a list of his creditors, on oath, being annexed to his petition, and the chancellor being satisfied, by competent testimony, that the said John J. Sothoron hath resided in the State of Maryland the two last years preceding the passage of the said act; it is thereupon adjudged and ordered, that the said John J. Sothoron, by causing a copy of this order to be inserted three weeks successively in the Maryland Gazette before the twentieth day of June next, he give notice to his creditors to appear before the chancellor, in the chancery-office, on the second day of September next, for the purpose of recommending a trustee for their benefit, on the said John J. Sothoron's then and there taking the oath by the said act required for delivering up his property.

True copy,
Test. SAMUEL HARVEY HOWARD,
Reg. Cur. Can.

In CHANCERY, May 21, 1803.

CHARLES WILLIAMSON, an insolvent debtor of Calvert county, entitled to the benefit of the last act of the general assembly for the relief of sundry insolvent debtors, being this day by the sheriff of said county brought before the chancellor, in consequence of an order this day passed and having before the chancellor taken the oath prescribed for delivering up his property, &c. it is thereupon ordered, that the said Charles Williamson appear before the chancellor, in the chancery-office, at 10 o'clock, on the 17th day of September, for the purpose of answering such interrogatories as his creditors, or any of them, shall then and there propose to him; and that the said Williamson shall give notice of the time and place appointed for his and for their appearance to propose interrogatories, and for recommending a trustee for their benefit, and his answering as aforesaid, by causing a copy of this order to be inserted at least three times successively, before the 17th June next, in the Maryland Gazette.

True copy,
Test. SAMUEL H. HOWARD,
Reg. Cur. Can.

THIS is to give notice, that the subscriber, of Charles county, hath obtained from the orphans court of Charles county, in Maryland, letters of administration de bonis non, on the personal estate of WARREN DENT, late of Charles county, deceased. All persons having claims against the said deceased are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, at or before the first day of January next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand, this thirteenth day of May, in the year of our Lord one thousand eight hundred and three.

WILLIAM DENT, Administrator
de bonis non of WARREN DENT.

By his EXCELLENCY
JOHN FRANCIS MERCER,
GOVERNOR OF THE STATE OF MARYLAND,

A PROCLAMATION.

WHEREAS it appeareth unto me, by an inquisition taken before Robert Moore, Esq; one of the coroners of Baltimore county, that a most cruel and atrocious murder and robbery were committed on the person of ADAM WAYBLE, paper-maker, a respectable and aged citizen of Anne-Arundel county, by some unknown hand, on or about the thirtieth day of March last, which inquisition hath been returned to me, accompanied by a memorial of sundry respectable inhabitants of the counties of Baltimore and Anne-Arundel, and the city of Baltimore, praying the interposition of government: And, whereas the quiet and security of the good people of this commonwealth depend on the vigilance of the constituted authorities in causing the laws against such enormities to be duly executed: I have therefore thought proper to issue this my proclamation, and I do, by and with the advice and consent of council, hereby offer a REWARD of FOUR HUNDRED DOLLARS to whoever will discover the author or perpetrators of the aforesaid murder and robbery, provided he, she, or they, or any of them, be convicted thereof. And moreover I do, by virtue of the authority and powers in me vested, hereby promise a full and free pardon to any person being an accomplice, who shall discover the perpetrator or perpetrators of the said murder and robbery on the aforesaid conditions.

Given in Council, at the city of Annapolis, under the seal of the State of Maryland, this sixteenth day of May, in the year of our Lord one thousand eight hundred and three.

JOHN F. MERCER.

By his excellency's command,
NINIAN PINKNEY, Clerk of the governor and council.

In COUNCIL, ANNAPOLIS, May 16, 1803.

ORDERED, That the foregoing proclamation be published three times in each week, for the space of three weeks successively, in the American, Telegraphe, and Federal Gazette, at Baltimore; the National Intelligencer; the Maryland Gazette, at Annapolis; the Republican Advocate, Herald, and Bartgis's paper, at Frederick-town, and in Mr. Smith's paper, at Easton.

By order, NINIAN PINKNEY, Clk.

NOTICE,

Agreeably to an order of the orphans court of Charles county, will be SOLD, on Wednesday the first day of June next, at the late dwelling of WILLIAM KIRKPATRICK, near Allen's Fresh, if fair, if not the first fair day,

ALL the personal property belonging to the deceased, consisting of a lease for thirty acres of land, for the term of seventy years, horses, cattle, sheep, hogs, a set of joiner's tools, three mill stones, plantation utensils, and a number of other articles too tedious to mention. Twelve months credit will be given on all sums above twenty dollars, the purchaser giving bond, with approved security.

PHILIP MARSHALL, Administrator.
Charles county, May 1, 1803.

In CHANCERY, May 13, 1803.

John Gwinn,
vs.
Samuel Godman, Robert Godman, Brutus Godman, Cassius Godman, Jefferson Godman, John Davidson Godman, Stella Godman, and Peggy Beall Godman, heirs at law of Samuel Godman, deceased.

THE object of the bill is to obtain a decree for the foreclosure of a mortgage given to the complainant by Samuel Godman, deceased, dated on the fourth day of January, seventeen hundred and ninety-nine, for the conveyance of the three following tracts of land, lying in Anne-Arundel county, to wit: YOUNG'S LOCUST PLAINS, containing one hundred and fifty acres; HENDERSON'S MEADOWS, containing one hundred and five acres, and The ADDITION to SAMSON, containing one hundred and two acres; subject to redemption, and repayment of the principal sum of three hundred and seventy-five pounds, current money, with interest from the first day of November, seventeen hundred and ninety-eight, in three annual payments; the bill states, that no part of the principal or interest of the mortgage money hath been paid; that the period of redemption hath elapsed; that the mortgagor, Samuel Godman, hath departed this life intestate, leaving the defendants his heirs at law; all of whom are minors, except Samuel Godman, the eldest; that all of the said defendants have left the State of Maryland and reside in parts unknown, except Brutus, Cassius and Jefferson; it is thereupon, on the motion of the complainant, ordered and adjudged, that he cause a copy of this order to be inserted in the Maryland Gazette, once in each of three successive weeks, before the eleventh day of June next, to the intent that the absent defendants may have notice of the present application, and of the substance and object of the bill filed in this cause, and may be warned to appear in this court in person, or by a guardian, on or before the fourth Tuesday of October next, to shew cause, if any he, she, or they may have, why a decree should not pass as prayed.

True copy,
Test. SAMUEL H. HOWARD,
Reg. Cur. Can.

SPRING GOODS.

JOSEPH EVANS,
On the Dock, opposite the Market-house,

Has just received by the Spring vessels arrived at Baltimore, and offers for sale,

A Handsome assortment of GOODS, suitable for the present season, consisting of a variety of the latest and most fashionable articles for Ladies and Gentlemens wear.

NOTICE.

ALL persons indebted to the subscriber, whose accounts have been longer standing than twelve months, are earnestly requested to call and discharge the same, or give note or bond for the amount thereof.

JOSEPH EVANS.

Annapolis, May 19, 1803.

MAREEN B. DUVALL,

CHURCH-STREET,

HAS just received a choice selection of SPRING GOODS, also CUTLERY and GROCERIES, the whole of which will be sold on the most reasonable terms.

Annapolis, May 17, 1803.

FOR SALE,

TICKETS in the ST. JOHN'S CHURCH LOTTERY, in Baltimore, by the subscriber, at Mr. Mattison's. The drawing of the above lottery will shortly commence, as more than one half the tickets are already sold; and as the subscriber means to remain here only a few days he requests those who wish to become adventurers to be speedy in their application.

MICHAEL NUSSEAR.

Annapolis, May 19, 1803.

In CHANCERY, May 13, 1803.

James Walker,
against
Samuel Godman, Robert Godman, Brutus Godman, Cassius Godman, Jefferson Godman, John Davidson Godman, Stella Godman, and Peggy Beall Godman, heirs at law of Samuel Godman, deceased.

THE object of the petition is to obtain a decree for the recording a deed of mortgage from Samuel Godman, deceased, father of the defendants, to the petitioner, James Walker, bearing date on the twenty-eighth day of October, seventeen hundred and ninety-nine, for the conveyance of sundry tracts of land, sundry negroes, and other personal property, particularly enumerated in the said deed, to the petitioner; the petition states, that the said Samuel Godman, the grantor, hath departed this life intestate, leaving the defendants his heirs at law; that all of them are minors, except Samuel, and that all of them, except Brutus, Cassius and Jefferson, have departed from the State Maryland, and gone to parts unknown; it is thereupon, on motion of the petitioner, ordered, that he cause a copy of this order to be inserted three weeks successively, before the eleventh day of June next, in the Maryland Gazette, to the intent that the defendants, and all persons claiming under the said Samuel Godman, deceased, or conceiving themselves interested, may have notice of the petitioner's application to this court, and of the substance and object of his petition, and may be warned to appear here in person, or by guardian or solicitor, as the case may require, on or before the fourth Tuesday of October next, to shew cause why a decree should not pass as prayed.

True copy,
Test. SAMUEL H. HOWARD,
Reg. Cur. Can.

THIS is to give notice, that the subscriber, of Charles county, hath obtained from the orphans court of Charles county, in Maryland, letters of administration on the personal estate of GEORGE DENT, late of Charles county, deceased. All persons having claims against the said deceased are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, at or before the first day of January next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand, this thirteenth day of May, in the year of our Lord one thousand eight hundred and three.

WILLIAM DENT, Administrator
of GEORGE DENT.

THIS is to give notice, that the subscriber, of Anne-Arundel county, in the State of Maryland, hath obtained from the orphans court of Anne-Arundel county, in Maryland, letters of administration on the personal estate of EDWARD GWINN, late of Anne-Arundel county, deceased. All persons having claims against the deceased are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, at or before the fourteenth day of October next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand, this 14th day of April, 1803.

ACHSAH GWINN, Administratrix.

MISFORTUNES of various kinds, together with the harrassing disposition of my creditors, who are continually burthening me with heavy costs, hath at length reduced me to the necessity of surrendering my property for the benefit of my creditors; I therefore hereby give notice, that I intend to petition the next general assembly of Maryland for the benefit of the act respecting insolvent debtors.

May 17, 1803. SAMUEL EVANS.

THE subscriber returns his sincere thanks to his friends and customers for the liberal and generous support he has hitherto experienced, and begs leave to inform them, that he has opened his STORE and PORTER CELLAR, in the house lately occupied by THOMAS ROGERS, Esq; opposite the south corner of the episcopal church, where he hopes, by the goodness of his liquors, &c. and desire to please, to merit a further continuance of their favours, which will be gratefully received by their most obedient and very humble servant,

HUGH MAGUIRE.

Annapolis, May 11, 1803. 3

In CHANCERY, May 5, 1803.

Mary Peach, Administratrix of Richard Williams,

vs.

Rebecca, Elizabeth, and Richard Williams, and Isaac Ijams, and Elizabeth his wife.

THE object of the bill is to obtain a decree for the sale of the interest of the defendants in two tracts of land in Prince-George's county, called BEAVER DAM NECK, and part of PARCEL ENLARGED, for the payment of the debts of Richard Williams, deceased, which from him descended to the defendants his heirs; the bill states that the defendants have removed out of the state of Maryland; it is thereupon adjudged and ordered, that the complainant, by causing a copy of this order to be inserted three times in the Maryland Gazette before the tenth day of June next, give notice to the defendants to appear here in person, or by a solicitor, on or before the second Tuesday of October next, to shew cause, if any they have, wherefore a decree should not pass as prayed.

True copy, J. Johnson

Test. SAMUEL HARVEY HOWARD,
Reg. Cur. Can. 3 X

In CHANCERY, May 6, 1803.

Robert Sewall,

against

Charles Sewall, Nicholas Sewall, Eleanor Pye, Thomas Rogison, and his wife Alice, Lewis Taney, Charles Henry Taney, Celistia and Eliza Alice Taney.

THE object of the bill filed in this cause is to obtain a conveyance for a tract of land, called MATTAPONEY SEWALL, and other lands thereto adjoining, which Henry Sewall, ancestor of the defendants, now deceased, contracted for with the complainant, by his contract in writing, dated on the 17th day of October, 1801; the bill states that Lewis Taney, one of the defendants, resides out of the state of Maryland; it is thereupon, on the motion of the complainant, ordered and adjudged, that he cause a copy of this order to be inserted in the Maryland Gazette once in each of three successive weeks before the 3d day of June next, to the intent that the absent defendant may have notice of the present application, and of the substance and object of the bill filed in this cause, and may be warned to appear in this court in person, or by a solicitor, on or before the 1st Tuesday of October next, to shew cause, if any he hath, why a decree should not pass as prayed.

True copy, 3 X

Test. SAMUEL HARVEY HOWARD,
Reg. Cur. Can.

NOTICE,

To the public of Maryland.

THERE will be a petition preferred to the next general assembly of this state for a law to pass for a road to be laid off from a landing on the north side of Severn river, commonly called and known by the name of JUMPER'S HOLE, along through the neighbourhood by the widow Mary Johnson's, and from there the most convenient rout to a landing known by the name of ASHPAW'S LANDING, on the east side of a fork of Curtis's creek, called MARLEY CREEK, and for to make the aforesaid landings public. 3

NOTICE.

THAT the subscriber, of Charles county, in the State of Maryland, hath obtained from the orphans court of said county, letters of administration on the estate of RICHARD ROBY, late of Charles county, deceased. All persons having claims against said estate are hereby requested to bring them in, legally authenticated, to the subscriber, on or before the fourth day of July next, or they may otherwise by law be excluded from all benefit of said estate. Given under my hand, this 4th day of January, 1803.

3 X ANN ROBY, Executrix.

NOTICE.

ALL persons having claims against the estate of THOMAS POWER, late of Saint-Mary's county, deceased, are hereby requested to apply on or before the 1st day of August next, and receive their second and last dividend. Given under my hand, this 7th day of May, 1803.

3 X JOSIAH B. GRINDALL, Administrator.

TO THE PUBLIC.

I TAKE this mode of informing those who may have property for sale, that I will act as auctioneer, on application. My experience and ability in that line may be known on inquiry.

C. MILLS.

Annapolis, August 17, 1802. 26

Nottingham, April 16, 1803.

I HEREBY certify, that Mr. HENRY WARING brought before me, a justice of the peace for Prince-George's county, as a trespassing stray, a grey HORSE, about twelve years old, fourteen hands high, paces, trots, and canters, has no perceivable brand, shod before. Given under my hand, the day and year above written.

ROBERT BOWIE.

The owner of the above horse is desired to come, prove his property, and take him away.

2 HENRY WARING.

EDUCATION.

THE subscriber begs leave to inform the citizens of Annapolis, and the public generally, that on Monday the 16th inst. he proposes to open an ACADEMY in a large and spacious room of the house he now occupies, opposite the south corner of the episcopal church, for the sole purpose of teaching young ladies orthography, English grammar, writing, arithmetic, geography, &c. also drawing and French, if required; he hopes the utility of this institution will be more satisfactorily evinced by the improvement of his pupils in literature, as well as morality, than pompous professions, which is the sincere wish of the public's most devoted, and very humble servant,

HUGH MAGUIRE.

N. B. For terms, &c. apply as above.

Annapolis, May 11, 1803. 3

In CHANCERY, May 10, 1803.

THOMAS L. SOTHORON, an insolvent debtor, of Charles county, entitled to the benefit of the last act of the general assembly for the relief of sundry insolvent debtors, being this day, by the sheriff of said county, brought before the chancellor, in consequence of an order this day passed, and having, before the chancellor, taken the oath by the said act prescribed for delivering up his property, &c. it it thereupon ordered, that the said Thomas L. Sothoron appear before the chancellor, in the chancery-office at 10 o'clock, on the third day of September next, for the purpose of answering such interrogatories as his creditors, or any of them, shall then and there propose to him, and that the said Thomas L. Sothoron shall give notice of the said time and place for his answering aforesaid, and for their appearing, to propose interrogatories, and for recommending a trustee for their benefit, by causing a copy of this order to be inserted at least three weeks successively, before the third day of June next, in the Maryland Gazette.

True copy, 3 X

Test. SAMUEL HARVEY HOWARD,
Reg. Cur. Can.

NOTICE,

To the Public of Maryland.

THERE will be a petition preferred to the next general assembly of this state, for a law to pass for a road to be laid off from a large white oak tree, on the south side of the main road leading from the city of Annapolis round the head of the Severn river to the city of Baltimore, standing at the lower end of Richard Dorsey's, (of Caleb) lane or plantation, next adjoining to a plantation belonging to Charles Carroll, of Carrollton, Esq; along up through the neighbourhood on the north side of South river, in Anne-Arundel county, by Jacob Waters's mill and the South river meeting house, and the neighbourhood of the Mr. Hopkins's to a fording place on the main branch of Patuxent river known by the name of Ashton's Ford, and from there the most convenient route through Prince-George's county, by or through Mr. Benjamin Ogle's plantation, known by the name of *Belle-Air*, to a small town in the said county called Bladensburg, at or near the head of a creek of the river Patowmack, called and known by the name of The Eastern Branch.

April 14, 1803. 5

THIS is to give notice, that the subscriber hath taken out letters of administration on the estate of JOHN DENT, late of Anne-Arundel county, deceased, therefore all persons who have claims against the said deceased are requested to bring in the same, proved according to law, and all those who are in any manner indebted to the estate are requested to make payment, to

ELEANOR DENT, Administratrix.

April 27, 1803. 4

To the Voters of Anne-Arundel county and the City of Annapolis.

GENTLEMEN,

ENCOURAGED by the solicitation of a number of my friends, I respectfully beg leave to inform you, that I intend offering myself as a candidate for your suffrages at the ensuing election of a sheriff of this county, and to assure you, should I be fortunate enough to meet with your approbation, that every exertion shall be made to give general satisfaction, and to prove myself worthy of your confidence and support.

As it is my wish to avoid egotism, and as few tasks can be imposed on a man more disagreeable than that of becoming his own encomiast, I shall therefore forbear making any further professions on the score of abilities, than to observe, that I have acted for sometime past as deputy to Mr. John Welch, the late, and to Henry Howard, Esquire, the present sheriff, and have thereby, I flatter myself, acquired a competent knowledge of the duties incident to the office.

3 ROBERT WELCH, of Ben.

In COUNCIL, ANNAPOLIS, April 19, 1803.

ORDERED, That the act to alter, change and abolish, such parts of the constitution and form of government as relates to the establishing a general court and court of appeals, be published once in each week, for the space of three months successively, in the Maryland Gazette, at Annapolis; the Baltimore American, the Telegraphe, the Federal Gazette, at Baltimore; the National Intelligencer; Mr. Smith's paper, at Easton; the Republican Advocate, at Frederick-town, and Mr. Grieves's paper, at Hagarstown. By order,

NINIAN PINKNEY, Clerk.

An ACT to alter, change and abolish, such parts of the constitution and form of government as relate to the establishing a general court and court of appeals.

BE *it enacted, by the General Assembly of Maryland*, That from and after the first day of March, eighteen hundred and four, there shall be a court of appeals, composed of three persons of integrity, and sound judgment in the law, who shall be styled in their commissions Judge of the Court of Appeals, whose judgment shall be final and conclusive in all cases of appeal from the court of chancery, county court or orphans court; and that the court of appeals shall hold two sessions on the western shore and two on the eastern shore in each year, at such times and places as the future legislature of this state shall direct and appoint.

And be it enacted, That from and after the said first day of March, eighteen hundred and four, this state shall be divided into five judicial districts, viz. Saint-Mary's, Calvert, Prince-George's and Charles counties, shall be the first district; Cæcil, Kent, Queen-Anne's and Talbot counties, shall be the second district; Anne-Arundel, Baltimore and Harford counties, shall be the third district; Caroline, Dorchester, Somerset and Worcester counties, shall be the fourth district; and Washington, Frederick, Montgomery and Allegany counties, shall be the fifth district; and that there shall be appointed for each of the said districts two persons of integrity, and sound judgment in the law, who shall reside in the district for which they shall be appointed, who shall be styled in their commissions District Judges of the county courts in such district; and there shall be appointed for each of the counties of this state one person of integrity, experience and knowledge, resident of the county for which he shall be appointed, who shall be styled in the commission Associate Judge of the county court of the county for which he shall be appointed; and the said district judges in their respective districts, together with the said associate judges in the respective counties, shall compose the county court; and the county courts so established shall have, hold and exercise, all the powers, authorities and jurisdictions, that the general court and county courts of this state has heretofore held, used and exercised, except the appellate jurisdiction of the general court; and that the county courts shall hold their sessions in the respective counties at such times and places as the future legislature of this state shall direct and appoint.

And be it enacted, That if this act shall be confirmed by the general assembly, after the next election of delegates, in the first session after such new election, as the constitution and form of government directs, that in such case this act, and the alterations and amendment of the constitution and form of government therein contained, shall be taken and considered, and shall constitute and be valid, as a part of the said constitution and form of government, to all intents and purposes, any thing in the said constitution and form of government contained to the contrary notwithstanding.

And be it enacted, That all and every part of the constitution and form of government that relates to the court of appeals, or the general court, as now established, or to the judges thereof, or that is in any manner contrary to, or inconsistent with, the provisions of this act, be and are hereby declared to be repealed and abolished, on the confirmation hereof. 6

To the Voters of Anne-Arundel county and the City of Annapolis.

COMING forward as a candidate for the office of sheriff of Anne-Arundel county, with respectful deference I offer myself to fill the important station, and solicit their suffrages, at the ensuing election, in my favour; should my wishes in this instance be realized, I sincerely promise a strict attention to impartiality, legality, and assiduity, and the public shall find in my attention to the discharge of the duties of the office a grateful return for the confidence they may repose in me.

And remain their obedient servant,

3 ISAAC DORSEY.

Will be SOLD, at private SALE,

THE whole or any part of that valuable plantation, on the north side of Severn river, now occupied by Mr. John M'Cubbin; nothing need be said as to the soil and other advantages, &c. of this place, as it is well known to be one of the richest and best farms in this state. As I shall be in or near Annapolis for two or three weeks, any application by letter, or otherwise, will be attended to.

April 29, 1803. 3 X JOHN HESSELIUS.

ANNAPOLIS:
Printed by FREDERICK and SAMUEL GREEN.